

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------|---|----------------------------------|
| CAMERON L. DENNIS, |) | Case No. 5:05 CV 2938 |
| |) | (Related Case No. 5:04CR308-001) |
| Movant, |) | Judge John R. Adams |
| |) | |
| vs. |) | REPORT AND RECOMMENDATION |
| |) | OF MAGISTRATE JUDGE |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | Magistrate Judge James S. Gallas |
| |) | |

Cameron L. Dennis moved *pro se* under 28 U.S.C. §2255 to vacate, set aside or correct sentence contending his October 2004 70-month sentence should be reduced to 60 months. (See Motion and Ground One, ECF #1). This §2255 motion was dated December 16, 2005 and filed December 21, 2005. The United States in its recently filed answer established that defense counsel had prior to that filed a motion to modify sentence on August 23, 2005 (Ex. 1, ECF #6-2), and that this motion was granted by the Court on May 5, 2006, to allow for retroactive modification of Dennis' term of imprisonment to 60 months. (Ex. 2, ECF #6-2). The United States in its answer requests dismissal because this motion to vacate, set aside or correct sentence is moot, and the undersigned recommends dismissal of this case due to mootness of the relief requested by Dennis under 28 U.S.C. §2255.

s/James S. Gallas
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of mailing of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).

Dated: December 14, 2006